

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYSTEM AND METHOD FOR GENERATING A RECOMMENDATION GUIDE FOR USE WITH AN EPG

the specification of which:

(check one)

☒ [x] is attached hereto;

☐ [] was filed as United States Application Serial No. ____ on ____, and was amended on (if applicable);

☐ [] was filed as PCT International Application No. ____ on ____ and was amended under PCT Article 19 or Article 34 on ____ (if applicable);

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information which is known to me to be material to the patentability of said invention in accordance with 37 C.F.R. §1.56;

I hereby claim foreign priority benefits under 35 U.S.C. §119 and/or §365 of any foreign application(s) for patent, any foreign application(s) for inventor's certificate, or any PCT international application(s) designating at least one country other than the United States of America listed below; I have also identified below any foreign application(s) for patent, any foreign application(s) for inventor's certificate, or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Prior Foreign Application(s)

COUNTRY/INTERNATIONAL	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

60/273,346, entitled *System and Method for Providing an Onscreen Interactive Program Guide*, filed on March 6, 2001.

I hereby claim the benefit under 35 U.S.C. §120 and/or §365 of any United States application(s) or of any international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

Prior U.S. Application(s) or PCT International Applications Designating the U.S. for benefit under 35 U.S.C. §120

U.S. APPLICATIONS			STATUS <i>(check one)</i>		
U.S. APPLICATION NO.	U.S. FILING DATE (day, month, year)		Pending	Patented	Abandoned
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLICATION NO.	PCT FILING DATE (day, month, year)	U.S. APPLICATION NOS. (if any)			
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Cliff Roth**

Inventor's signature _____ Date _____

Residence: 333 Pearl Street, Apt. 14K, New York, NY 10038

Citizen of: United States of America

Post Office Address: 333 Pearl Street, Apt. 14K, New York, NY 10038

Full name of second inventor: Paul Finster

Inventor's signature _____ Date _____

Residence: 156 West 15th Street, #3B, New York, NY 10011

Citizen of: United States of America

Post Office Address: 156 West 15th Street, #3B, New York, NY 10011

Full name of third inventor: **Jonathan Greenberg**

Inventor's signature _____ Date _____

Residence: 15 Charles Street, Apt. 14E, New York, NY 10014

Citizen of: United States of America

Post Office Address: 15 Charles Street, Apt. 14E, New York, NY 10014

Full name of second inventor: David Ruderman

Inventor's signature _____ Date _____

Residence: 649 Warren Street, Apt. 1A, Brooklyn, NY 11217

Citizen of: United States of America

Post Office Address: 649 Warren Street, Apt. 1A, Brooklyn, NY 11217

Full name of second inventor: **William Shine**

Inventor's signature _____ Date _____

Residence: 200 Bradhurst Avenue, Apt. 34, New York, NY 10039

Citizen of: Ireland

Post Office Address: 200 Bradhurst Avenue, Apt. 34, New York, NY 10039

Attorney Docket No: GIST-005/01US

PATENT

Express Mail Label Number:
Date of Deposit:

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Washington, DC 20231.

Date: _____ By: _____
Sherry Duncan Bitler

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Roth et al.

Serial No.: [Not Yet Assigned] Examiner: [Not Yet Assigned]

Confirmation No.: Art Unit: [Not Yet Assigned]

Filed: March 1, 2002

For: **SYSTEM AND METHOD FOR GENERATING A RECOMMENDATION GUIDE FOR USE
WITH AN EPG**

Commissioner for Patents
Washington, D.C. 20231

**POWER BY ASSIGNEE
AND STATEMENT UNDER 37 C.F.R. §3.73(b)**

The Assignee of the entire right, title, and interest in the above-identified application hereby grants the registered practitioners of Cooley Godward LLP included in the Customer Number provided below power to act, prosecute, and transact all business in the U.S. Patent and Trademark Office in connection with this application, any applications claiming priority to this application, and any patents issuing therefrom.

The Assignee certifies that to the best of its knowledge and belief it is the owner of the entire right, title, and interest in and to the above-identified application as evidenced by:

[x] An assignment document, a copy of which is enclosed herewith;

☐ An assignment previously recorded in the U.S. Patent and Trademark Office at Reel ___, Frame ___.

Please direct all telephone calls and correspondence to:

COOLEY GODWARD LLP
ATTN: Patent Group
One Freedom Square
Reston Town Center
11951 Freedom Drive
Reston, VA 20190-5601
Tel: (720) 566-4125
Fax: (720) 566-4099

CUSTOMER NUMBER: **022903**

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the Assignee.

Date: _____ Signature: _____
Name: Alison J. Green
Title: Vice President, Business Development
Company: GIST COMMUNICATIONS, INC.

Attorney Docket No: GIST-005/01US

PATENT

ASSIGNMENT **(Joint)**

Cliff Roth, residing at 333 Pearl Street, Apt. 14K, New York, NY 10038, Jonathan Greenberg, residing at 15 Charles Street, Apt. 14E, New York, NY 10014, Paul Finster, residing at 156 West 15th Street, #3B, New York, NY 10011, David Ruderman, residing at 649 Warren Street, Apt. 1A, Brooklyn, NY 11217, and Billy Shine, residing at 200 Bradhurst Avenue, Apt. 34, New York, NY 10039 (each referred to as "Assignor") have made an invention(s) (the "Invention(s)") set forth in an application for patent of the United States, entitled **SYSTEM AND METHOD FOR GENERATING A RECOMMENDATION GUIDE FOR USE WITH AN EPG**, and which is a:

- (1) ☐ provisional application
 - (a) ☐ to be filed herewith; or
 - (b) ☐ bearing Application No. , and filed on ; or
- (2) ☒ non-provisional application
 - (a) ☒ to be filed herewith; or
 - (b) ☐ bearing Application No. , and filed on .

WHEREAS, GIST Communications, Inc., a corporation duly organized under and pursuant to the laws of Delaware, and having its principal place of business at 84 Wooster Street, New York, NY 10012 (the "Assignee"), is desirous of acquiring the entire right, title, and interest in: the Invention(s); the application for patent identified in paragraph (1) or (2); the right to file applications for patent of the United States or other countries on the Invention(s); any application(s) for patent of the United States or other countries claiming priority to these application(s); and any patent(s) of the United States or other countries that may be granted therefor or thereon.

NOW, THEREFORE, for good and sufficient consideration, the receipt of which is hereby acknowledged, and to the extent that the Assignor has not done so already via a prior agreement with the Assignee, or if the Assignor has already done so via a prior agreement with the Assignee then in confirmation of any obligation to do so in said prior agreement, the Assignor has sold, assigned, transferred, and set over, and by these presents does sell, assign, transfer, and set over, unto the Assignee, its successors, legal representatives, and assigns, the Assignor's entire right, title, and interest in:

- (a) the Invention(s);
- (b) the application for patent identified in paragraph (1) or (2);
- (c) the right to file applications for patent of the United States or other countries on the Invention(s), including all rights under the Paris Convention for the Protection of Industrial Property and under the Patent Cooperation Treaty;
- (d) any application(s) for patent of the United States or other countries claiming the Invention(s);
- (e) any application(s) for patent of the United States or other countries claiming priority to the application for patent identified in paragraph (1) or (2) or any application(s) for patent claiming the Invention(s), including any division(s), continuation(s), and continuation(s)-in-part; and

(f) any patent(s) of the United States or other countries that may be granted for or on any application for patent identified in the preceding paragraphs (b) – (e), including any reissue(s) and extension(s) of said patent(s).

The above-granted rights, titles, and interests are to be held and enjoyed by the Assignee, for its own use and behalf and the use and behalf of its successors, legal representatives, and assigns, as fully and entirely as the same would have been held and enjoyed by the Assignor had this sale and assignment not been made.

The Assignor hereby represents to the Assignee, its successors, legal representatives, and assigns, that, at the time of execution and delivery of these presents, or if applicable, at such time said prior agreement was executed, the Assignor is a lawful owner of an undivided interest in the entire right, title, and interest in and to the Invention(s), that the Invention(s) are unencumbered, except, if applicable, by obligation to assign in accordance with said prior agreement, and that the Assignor has good and full right and lawful authority to sell and convey the same in the manner set forth herein.

The Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns, that the Assignor will sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done in connection with any and all proceedings for the procurement, maintenance, enforcement and defense of the Invention(s), said applications, and said patents, including interference proceedings, without charge to the Assignee, its successors, legal representatives, and assigns, but at the cost and expense of the Assignee, its successors, legal representatives, and assigns.

The Assignor hereby authorizes and requests the attorneys of COOLEY GODWARD L.L.P. to insert in the spaces provided above the filing date, the application number, and the attorney docket number of the application identified in paragraph (1) or (2) when known.

The Assignor hereby requests the Commissioner of Patents to issue said patents of the United States to the Assignee for the sole use and behalf of the Assignee, its successors, legal representatives, and assigns.

Date: _____

By: _____
Cliff Roth

State of _____)

ss.

County of _____)

On _____, before me, _____, personally appeared Cliff Roth, personally known to me or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

Place Notary Seal Above

Date: _____

By: _____

Jonathan Greenberg

State of _____)

ss.

County of _____)

On _____, before me, _____, personally appeared Jonathan Greenberg, personally known to me or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

Place Notary Seal Above

Date: _____ By: _____
Paul Finster

State of _____)	
	ss.
County of _____)	
On _____, before me, _____, personally appeared Paul Finster, personally known to me or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.	
WITNESS my hand and official seal.	
_____ Signature of Notary Public	Place Notary Seal Above

169697 v1/BD
3MXT01!.DOC
030102/1310

Date: _____

By: _____

David Ruderman

State of _____)

ss.

County of _____)

On _____, before me, _____, personally appeared David Ruderman, personally known to me or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

Place Notary Seal Above

Date: _____

By: _____

William Shine

State of _____)

ss.

County of _____)

On _____, before me, _____, personally appeared Billy Shine, personally known to me or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

Place Notary Seal Above